

Chapter V

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Authority to Use Grant Funds

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

To: (name & address of Grant Recipient & name & title of Chief Executive Officer)

Copy To: (name & address of SubRecipient)

We received your Request for Release of Funds and Certification, form HUD-7015.15 on:

Your Request was for HUD/State Identification Number:

All objections, if received, have been considered. And the minimum waiting period has transpired.

You are hereby authorized to use funds provided to you under the above HUD/State Identification Number.
File this form for proper record keeping, audit, and inspection purposes.

Typed Name & Title of Authorizing Officer:

Signature of Authorizing Officer:

Date Signed:

X

Sample Continuation Statements**Continuation Statement for projects that are Exempt Activities per §58.34 or Categorically Excluded per §58.35.**

Project: _____

“The identified project is a continuation project from the program year, at which time an Environmental Review was prepared. Since then, circumstances including the availability of additional data or advances in technology have not changed significantly. Substantial changes in the area, nature, magnitude or extent of the project have not been made, and no new activities have been added. There are no new circumstances or environmental conditions that may affect the project, or have a bearing on its impact. Therefore, the Environmental Review Record is still valid, and will not be reevaluated.”

Signature: _____ Date: _____

Continuation Statement to update the project’s Environmental Review Record (ERR) with a written decision that the Finding of No Significant Impact (FONSI) is still valid per 24 CFR Part 58.47.

This continuation statement should be used when the Environmental Assessment resulted in a FONSI. This statement does **not** apply to projects that are Exempt Activities under §58.34 or Categorically Excluded under §58.35.

Project: _____

“The identified project is a continuation project from the _____ program year, at which time the Environmental Assessment was prepared and a Finding of No Significant Impact (FONSI) was made. Since then, circumstances including the availability of additional data or advances in technology have not changed significantly. Substantial changes in the area, nature, magnitude or extent of the project have not been made, and no new activities have been added. There are no new circumstances or environmental conditions that may affect the project or have a bearing on its impact. No alternative has been selected which was not originally considered. Therefore the FONSI is still valid, and the EA will not be reevaluated.”

Signature: _____ Date: _____



**U.S. Department of Housing
and Urban Development**
Pacific/Hawaii Office of
Community Planning and Development
Environmental Branch

Environmental Assessment

(HUD recommended format per
24 CFR 58.36, revised 1/99)

Project Identification:

Preparer:

Responsible Entity:

Month/Year:

Environmental Assessment

Responsible Entity [24 CFR 58.2(a)(7)]:

Certifying Officer [24 CFR 58.2(a)(2)]:

Project Name:

Project Location:

Estimated total project cost:

Grant Recipient [24 CFR 58.2(a)(5)]:

Recipient Address:

Project Representative:

Telephone Number:

Conditions for Approval: (List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts or other relevant documents as requirements). [24 CFR 58.40(d), 40 CFR 1505.2(c)]

FINDING: [58.40(g)]

- ☐ **Finding of No Significant Impact**
(The project will not result in a significant impact on the quality of the human environment)
- ☐ **Finding of Significant Impact**
(The project may significantly affect the quality of the human environment)

Preparer Signature: _____ **Date:** _____
Title/Agency:

RE Approving Official Signature: _____ **Date:** _____
Title/ Agency:

Statement of Purpose and Need for the Proposal: [40 CFR 1508.9(b)]

Description of the Proposal: Include all contemplated actions which logically are either geographically or functionally a composite part of the project, regardless of the source of funding. [24 CFR 58.32, 40 CFR 1508.25]

Existing Conditions and Trends: Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project. [24 CFR 58.40(a)]

Statutory Checklist

[24CFR §58.5]

For each listed statute, executive order or regulation, record the determinations made. Note reviews and consultations completed as well as any applicable permits or approvals obtained. Attach evidence that all required actions have been taken. Record any conditions or mitigation measures required. Then, make a determination of compliance or consistency.

Factors	Determinations and Compliance Documentation
Historic Preservation [36 CFR 800]	
Floodplain Management [24 CFR 55, Executive Order 11988]	
Wetlands Protection [Executive Order 11990]	
Coastal Zone Management Act [Sections 307(c),(d)]	
Sole Source Aquifers [40 CFR 149]	
Endangered Species Act [50 CFR 402]	
Wild and Scenic Rivers Act [Sections 7 (b), (c)]	
Air Quality [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]	
Farmland Protection Policy Act [7 CFR 658]	
Environmental Justice [Executive Order 12898]	

HUD Environmental Standards	Determinations and Compliance Documentation
Noise Abatement and Control [24 CFR 51 B]	
Toxic or Hazardous Substances and Radioactive Materials [HUD Notice 79-33]	
Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C]	
Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]	

Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. **Impact Codes:**

(1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional materials as needed.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning		
Compatibility and Urban Impact		
Slope		
Erosion		
Soil Suitability		
Hazards and Nuisances including Site Safety		
Energy Consumption		

Noise - Contribution to Community Noise Levels		
Air Quality Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels		
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale		

Socioeconomic	Code	Source or Documentation
Demographic Character Changes		
Displacement		
Employment and Income Patterns		

**Community Facilities
and Services**

Code

Source or Documentation

Educational Facilities		
Commercial Facilities		
Health Care		
Social Services		
Solid Waste		
Waste Water		
Storm Water		
Water Supply		
Public Safety - Police		
- Fire		
- Emergency Medical		
Open Space and Recreation - Open Space		
- Recreation		
- Cultural Facilities		
Transportation		

Natural Features**Source or Documentation**

Water Resources		
Surface Water		
Unique Natural Features and Agricultural Lands		
Vegetation and Wildlife		

Other Factors**Source or Documentation**

NOTE: The Responsible Entity must additionally document and ensure compliance with 24 CFR §58.6 in the ERR, particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirements of the HUD Airport Runway Clear Zone/Clear Zone regulation at 24 CFR 51 Subpart D.

Summary of Findings and Conclusions**ALTERNATIVES TO THE PROPOSED ACTION****Alternatives and Project Modifications Considered** [24 CFR 58.40(e), Ref. 40 CFR 1508.9]

(Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.)

No Action Alternative [24 CFR 58.40(e)]

(Discuss the benefits and adverse impacts to the human environment of not implementing the preferred alternative).

Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]

(Recommend feasible ways in which the proposal or external factors relating to the proposal should be modified in order to eliminate or minimize adverse environmental impacts.)

Additional Studies Performed

(Attach studies or summaries)

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]

SUPPLEMENTAL GUIDE ON ENVIRONMENTAL REVIEW DOCUMENTATION

COMPLIANCE DOCUMENTATION

The environmental review must contain written evidence of compliance with the federal laws and authorities listed in 24 CFR 58.5 and with the National Environmental Policy Act, if applicable. Such documentation must be verifiable, contain relevant base data, and support the findings being made. For example:

1. **FIELD OBSERVATION.** A site visit that does not usually involve any testing or measurements. Field observation is an important method for initial screening of the issues. However, for some environmental compliance issues it may be inadequate for final evaluation. The written record for field observation should include date of the site visit and by whom (name and title).
2. **PERSONAL CONTACT.** Personal contacts are useful when the individual contacted is an accepted authority on the subject(s) and the interview is documented. Supporting documentation should include the name and title of the person contacted and the date of the conversation.
3. **PRINTED MATERIALS.** These are useful sources of detailed information materials such as comprehensive land use plans, maps, statistical surveys, and studies. Information must be current, i.e. not so old that changing conditions make them irrelevant, and must represent accepted methodologies. Citations for the material should include enough information so that an outside reviewer can locate the specific reference.
4. **REVIEWER'S EXPERIENCE.** The professional judgment of the person making the review can be useful provided their expertise is relevant. The reviewer may have a previous knowledge from familiarity with the area, or may have professional background to make judgments about a specific factor. Provide information of the person's qualification in addition to name and position.
5. **SPECIAL STUDY.** This is a study conducted for an individual factor, and should be performed by a qualified person using accepted methodologies. Some tests are relatively simple to perform but others may require elaborate equipment or personnel with additional expertise. The reviewer is responsible for obtaining assistance from others in order to have the appropriate tests or studies conducted. A copy of the study must be appended in the environmental review record or referenced.
6. **CONSULTATION WITH OVERSIGHT AGENCIES.** Some regulations require specific consultation procedures to be completed with oversight agencies, such as for historic preservation, or endangered species when major construction activities are to occur. There must be evidence in the record that these procedures were completed.

GUIDANCE ON SCREENING FOR STATUTORY COMPLIANCE: **LAWS AND AUTHORITIES LISTED AT 24 CFR 58.5**

For each statute, Executive Order or regulation listed below an initial determination may be made whether or not the project requires formal consultation, permits or agreements, or will have an effect on the resources protected by the relevant Federal law or authority. Responsible entities must officially record their findings on each of the federal laws and authorities in the Environmental Review Record (ERR), and verified by source documentation mentioned above.

	<u>COMPLIANCE NOT INVOKED</u>	<u>COMPLIANCE REQUIRED</u>
<u>Historic Properties:</u>	The RE and the SHPO agree that there are no historic properties within the Area of Potential Effects (APE), OR RE and the SHPO agree that the undertaking will have No Effect on historic properties within the APE.	The project will have an Effect on historic the properties. Complete procedures, per 36 CFR 800.5, et seq.
<u>Floodplain Management:</u>	The project does not involve property acquisition, land management, construction or improvement within a 100 year floodplain (Zones A or V) identified by FEMA maps, OR does not involve a "critical action" (e.g., emergency facility, facility for mobility impaired persons, etc.) within a 500 year floodplain (Zone B). If these maps have not been published, the same finding is necessary and is to be based on data from the City/County Engineer or local Flood Control Agency.	Complete and implement the 8-step decision making process identified in 24 CFR 55. (Projects may be approved within the floodplain if the responsible entity determines there is no practicable alternative.)
<u>Wetlands Protection:</u>	The project does not involve new construction within or adjacent to a wetland identified by or delineated on maps issued by the U.S. Department of Interior, Fish and Wildlife Service.	Complete and implement the 8-step decision making process identified in 24 CFR 55. (Projects may be approved if there is no practicable alternative outside the wetland area. However, such activities require a permit from the U.S. Corps of Engineers under provision of the Clean Water Act).
<u>Coastal Zone Management:</u>	The project does not involve the placement, erection or removal of materials, nor increase the intensity of use in the Coastal Zone.	Secure concurrence from the Coastal Zone Commission or delegated planning commission with your determination of consistency with the applicable Coastal Zone Plan

Sole Source Aquifers
(Safe Drinking Water Act):

The project is not located within an area designated by U.S. Environmental Protection Agency (EPA) as being supported by a sole source aquifer, **OR** the project need not be referred to EPA for evaluation according to the HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990.

Consult with the Water Management Division of EPA for the implementation of project mitigation measures to avoid contaminating the aquifer, and retain documentation in the ERR.

Endangered Species:

The project will not affect Federally-listed or proposed threatened and endangered species (i.e., plants, animals, fish, or invertebrates), nor designated or proposed critical habitat. This finding is to be based on contact made with the U.S. Fish and Wildlife Service, or with a State Department of Fish and Game, or special study completed by a professional biologist and/or botanist.

Initiate and complete consultation with the U.S. Fish and Wildlife Service, in accordance with procedural regulations contained in 50 CFR Part 402.

Wild and Scenic Rivers:

The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will not have an effect on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system.

Consult with the U.S. Department of Interior, National Park Service for resolution and mitigation assistance.

Air Quality:

The project is located within an "attainment" area, **OR** if within a "non-attainment" area, the project conforms with the EPA-approved State Implementation Plan (SIP), per contact with the State Air Quality Management District or Board.

Negotiate suitable mitigation measures with the Air Quality Management District or Board.

COMPLIANCE NOT
INVOKED

COMPLIANCE REQUIRED

Farmland Protection:

The project site does not include prime or unique farmland, **OR** other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (formerly the Soil Conservation Service), **OR** the project site includes prime farmland, but is located in an area committed to urban uses.

Request evaluation of land type from SCS using Form AD 1006, and consider the resultant rating in the project decision, as well as potential mitigation measures (including measures to protect adverse effect on adjacent farmlands).

Noise Abatement
and Control:

The project does not involve development of noise sensitive uses, **OR** the project is not within line-of-sight of an arterial roadway or railroad, **OR** ambient noise level is 65 LDN (or CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG) for calculating noise levels.

Apply the noise standard to the project approval decision and consider the application of the noise attenuation measures (NAG page 39-40).

Explosive or Flammable Operations:

The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to "Siting of HUD-Assisted Projects Near Hazardous Facilities" (Appendix F, pp. 51-52), **OR** the project will expose neither people nor buildings to such hazards.

Mitigate the hazard (per 24 CFR 51.205) with the construction of a barrier of adequate size and strength to protect the project from the explosive or flammable hazard.

Toxic Chemicals and

The project does not involve new development for habitation; **OR** the project involves new development for habitation, but is not located within one mile of an NPL ("Superfund") site, within 2,000 feet of a CERCLIS site, nor adjacent to any other known or suspected sites contaminated with toxic chemicals or radioactive materials, unless a Federal, State, or local authoritative source determines it does not pose a health hazard.

Responsible entities are advised not to use funds for activities supporting new development for habitation when a project site is affected by toxic chemicals or radioactive materials. Documentation includes contact with appropriate Federal, State, or local oversight agencies.

Airport Clear Zones and Accident Potential Zones:

The project is not within an FAA-designated civilian airport Runway Clear Zone (RCZ), or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones; **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in a RCZ or CZ (**NOTE:** The responsible entity shall notify buyer of this fact and obtain buyer's signature acknowledging receipt of this information (24 CFR 58.6(c)).

It is HUD policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people, and the airport operator provides written assurances that there are no plans to purchase the project site.

Environmental Justice:

The project site is suitable for its proposed use; **AND/OR** the project won't be adversely affected by a pre-existing environmental condition

Site suitability is a concern; **AND/OR** the project adversely affects the environment with respect to low income or minority populations. Avoid such impacts or mitigate them to the extent practicable. Consider whether compliance with NEPA may be necessary because there are extraordinary circumstances and conditions at or affecting the location of the project [Section 58.35(c)].

ENVIRONMENTAL FINDING FORM

CHDO/State Recipient Name: _____

HOME Contract #: _____

HOME Housing Activity (e.g. first-time homebuyer assistance for the purchase of new homes constructed in a subdivision; purchase of existing single-family housing; owner-occupied rehabilitation; rental new construction): _____

The environmental level of clearance for the HOME project is:

- ☐ Exempt (24 CFR Part 58.34), or
☐ Categorically excluded not subject to the §58.5 statutes [24 CFR Part 58.35(b)]

Attached documentation:

____ HUD Environmental Form for Statutes and Regulations at 24 CFR Part 58.6

- ☐ Categorically excluded subject to the §58.5 statutes [24 CFR Part 58.35(a)], or
☐ Categorically excluded subject to the §58.5 statutes per 24 CFR Part 58.35(a), but converted to exempt status [24 CFR Part 58.34(a)(12)]

Attached documentation:

____ HUD Environmental Form for Statutes and Regulations at 24 CFR Part 58.6, and
 ____ Statutory Worksheet, or
 ____ Minor Rehabilitation Environmental Review (MRER) form (tiered environmental reviews only). MRER (Parts 3-7) must be submitted after the project site is identified.

If the Statutory Worksheet triggers public noticing requirements, also provide:

____ Notice of Intent to Request Release of Funds published in the newspaper
 ____ Request for Release of Funds and Certification (HUD-7015.15 form)

The MRER requires public noticing, also provide:

____ Notice of Intent to Request Release of Funds published in the newspaper
 ____ Request for Release of Funds and Certification (HUD-7015.15 form)

- ☐ Environmental Assessment (24 CFR Part 58.36)

Attached documentation:

____ HUD Environmental Form for Statutes and Regulations at 24 CFR Part 58.6
 ____ Environmental Assessment
 ____ Combined Finding of No Significant Impact/Notice of Intent to Request Release of Funds published in the newspaper
 ____ Request for Release of Funds and Certification (HUD-7015.15 form)

- ☐ Environmental Impact Statement (24 CFR Part 58.37)

Attached documentation: Contact HOME Representative.

Date: _____

Certifying Officer

(Rev. 3/28/02)



U.S. Department of Housing and Urban Development
Pacific/Hawaii Office
450 Golden Gate Avenue
San Francisco, California 94102-3448

PROJECT NAME / DESCRIPTION:

Level of Environmental Review Determination: _____

(Exempt per 24 CFR 58.34, Categorically excluded not subject to statutes per § 58.35(b), Categorically excluded subject to statutes per § 58.35(a), Environmental Assessment per § 58.36, or EIS per 40 CFR 1500)

STATUTES and REGULATIONS listed at 24 CFR 58.6

FLOOD DISASTER PROTECTION ACT

1. Does the project involve acquisition, construction or rehabilitation of structures located in a FEMA-identified Special Flood Hazard?

___ No; Source Document: _____ (This factor is completed).

___ Yes; Source Document: _____ (Proceed).

2. Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

___ Yes (Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declaration must be kept on file).

___ No (**Federal assistance may not be used in the Special Flood Hazard Area**).

COASTAL BARRIERS RESOURCES ACT

1. Is the project located in a coastal barrier resource area?

___ No; SD _____ (This element is completed).

___ Yes (**Federal assistance may not be used in such an area**).

AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES

1. Does the project involve the sale or acquisition of existing property within a Civil Airport's Runway Clear Zone or a Military Installation's Clear Zone?

___ No; SD _____ Project complies with 24 CFR 51.303(a)(3).

___ Yes; **Disclosure statement must be provided** to buyer and a copy of the signed disclosure must be maintained in the RER.

Preparer Signature / Name /Date

Responsible Entity Official Signature / Name / Date

Minor Rehabilitation Environmental Review (2001)

This **MRER** tiered review format [per 24CFR §58.15] may only be used for the environmental review of the minor rehabilitation of existing residential structures [according to §58.35(a)(3)] with or without the acquisition of the existing structure [according to §58.35(a)(5)]. It may not be used for projects involving changes of use, new construction or reconstruction activities. It may be used for the minor rehabilitation of individual units in a multi-family structure, but not for the rehabilitation/acquisition of an entire multi-family building, where using a Statutory Worksheet is recommended.

Program/project name and description:

Definition of Area of Consideration:

(Attach a composite map showing area of consideration and floodplains)

Instructions:

The Factors addressed in this MRER form apply to the entire **area of consideration** (see **NOTES** below). Prepare an **MRER** form **once for each program** that meets the criteria of minor rehabilitation/acquisition at §58.35, and retain it in the Environmental Review Record (**ERR**). A new MRER must be completed whenever there are changes in the area of consideration or changes in the environmental conditions which could affect the program or which may bear on the program's impact on the environment. Upon completion of this form, **publish/disseminate the Notice Of Intent to Request Release Of Funds** per §58.70. The **NOI/RROF** shall identify the significant issues to be addressed in the **site-specific reviews (Appendix A)** per §58.15. **Do not commit HUD funds** to specific projects **before obtaining the Authority to Use Grant Funds** (HUD form 7015.16) for the program or before completing the site-specific **Appendix A**.

Site specific issues (historic preservation, air quality, explosive/flammable operations, toxic substances, airport clear zones) which apply to individual rehabilitation/acquisition proposals, shall be addressed by completing **Appendix A** when an individual loan or grant application is received. **Prior to approving any site-specific loan or grant, complete the Appendix A for each structure, document the mitigation of impacts as necessary, and keep all supporting documents in the ERR as evidence of compliance.**

Area-wide Factors

Floodplain Management

Check box only if no part of the area of consideration is located in a Special

☐

1 Flood Hazard Area (**SFHA**, i.e. area designated "A" or "V" Zone by FEMA) .

(Source documentation, e.g. FIRM panel number and date)

If any part of the area of consideration is subject to flooding, proceed to complete Part I on back.

Coastal Zone

Check box if no part of the area of consideration is within the Coastal

Management

☐

2 Zone according to the California Coastal Commission, Hawaii Coastal Commission, San Francisco Bay Conservation & Development Commission or the Planning Department (if certified Local Coastal Plan).

(Source documentation)

If any part of the area of consideration is within the Coastal Zone, complete Part II on back.

NOTES:

1. **Area of consideration** is the geographic portion of a City or County from which applications for rehabilitation/acquisition loans or grants are to be accepted under this HUD-funded program.
2. Ordinarily, the following **laws/authorities listed at 24 CFR 58.5** are not invoked by minor housing rehabilitation projects under the identified citations or references: Wetland Protection, Executive Order 11990, Sections 1(a) and 2(a); Endangered Species Act, Agreement between HUD Region IX and U.S. Fish and Wildlife Service, based on 50 CFR 402.13; Wild and Scenic Rivers Act of 1968, 16 U.S.C. 1271 et. seq., as amended [particularly Sections 7(b) and (c)]; Farmland Protection Act, 7 CFR 658.3(c); Noise Abatement, 24 CFR 51.101(a)(2); Sole Source Aquifers, Memorandum of Agreement between HUD Region IX and U.S. Environmental Protection Agency Region IX, dated 4/30/90, and Executive Order 12898 Environmental Justice. **Should exceptional circumstances require compliance with any of the authorities listed at §58.5, such compliance must be established as part of this environmental review prior to approving the site-specific loan or grant.**

Part I FLOODPLAIN MANAGEMENT

Complete this part if this program will ever involve any of the following activities in Special Flood Hazard Areas: (1) property acquisition, (2) rehabilitation of single family units exceeding 50% of the market value of the structure before rehabilitation, or (3) rehabilitation of multifamily structures.

1. Before approving any minor rehabilitation/acquisition loans or grants within a SFHA, comply with Executive Order 11988 by completing the 8-step-decision-making process for the entire area of consideration, according to 24 CFR §55.20. **KEEP A COPY OF THIS ADMINISTRATIVE RECORD OF THE 8-STEP PROCESS (including copies of all published notices) IN THE ENVIRONMENTAL REVIEW RECORD.**

2. Did completion of the 8-step process result in a determination that there is no practicable alternative to carrying out rehabilitation and/or acquisition of residential units within the Special Flood Hazard Area?

☐ Yes ☐ No

3. Is the community participating in the National Flood Insurance Program?

☐ Yes ☐ No

4. If either answer to questions #2 and #3 (or to both) is no, loans and grants may not be approved within the Special Flood Hazard Area.

5. If both answers to questions #2 and #3 are yes, compliance with this factor is documented.

NOTE: As an alternative to doing the 8-step process, the responsible entity may choose to revise the boundaries of the area of consideration to exclude the Special Flood Hazard Areas (SFHA's). However, properties within the excluded portions would then be ineligible for HUD-assisted acquisition/rehabilitation loans or grants under this program.

WARNING: The Flood Disaster Protection Act (listed at §58.6) additionally mandates the purchase of **flood insurance** for buildings located in SFHA's as a condition of approval for federal financial assistance. Flood insurance protection is mandatory for acquisition, construction, reconstruction, repair and improvement activities, but **not for routine maintenance** activities. Recipients with projects located in SFHA's are responsible for ensuring that flood insurance is maintained for the statutorily-prescribed period and dollar amount. In the case of grants, flood insurance must be maintained for the life of the building. In the case of loans, flood insurance must be maintained for the term of the loan. The necessary documentation for compliance is the Policy Declaration form. The amount of flood insurance coverage must be at least equal to the total project cost (less the estimated land cost) or to the maximum limit of coverage made available by the Act.

Part II COASTAL ZONE MANAGEMENT

Complete this part only if you have determined that the area of consideration (or portions of it) is within the Coastal Zone.

1. Have all acquisition/rehabilitation activities under this program been found to be consistent with the applicable Coastal Zone Management Plan?

☐ Yes ☐ No

Source of this finding is:

- ☐ Certified local Planning Department
- ☐ California Coastal Commission / Hawaii Coastal Commission
- ☐ San Francisco Bay Conservation & Development Commission

a. If question #1 was answered "Yes", STOP HERE. Compliance with the Coastal Zone Management Act is documented.

b. If question #1 was answered "No", require the acquisition of the coastal zone permit or determination of consistency. **DO NOT APPROVE ANY HUD-FUNDED LOAN OR GRANT WITHIN THE COASTAL ZONE** before doing this.

Preparer Name and Title	Signature	Date
Responsible Entity Official Name	Signature	Date

APPENDIX A (2001)

This Appendix A must be completed for each residential structure proposed for minor rehabilitation and/or acquisition before funds are committed to specific projects. It may be used only in conjunction with a currently updated **MRER** (Minor Rehabilitation Environmental Review) form. Completion of the Appendix A will not require the submission of an RROF/EC (Request for Release of Funds/ Environmental Certification) if it was submitted at the conclusion of the MRER, unless there are unanticipated impacts/circumstances which have previously not been adequately addressed.

Building Address: _____

Part III HISTORIC PRESERVATION

1. Does the project involve only those activities permitted without further consultation under a programmatic agreement among the responsible entity, the State Historic Preservation Officer (**SHPO**) or Tribal Historic Preservation Officer (**THPO**) and the Advisory Council on Historic Preservation?

() Yes () No

If yes, note date of programmatic agreement _____ and STOP here; the Section 106 Historic Preservation review is complete. If no, PROCEED.

2. Does the project involve only acquisition and/or minor, interior rehabilitation of a 1-4 unit residential structure that is less than 50 years old, with no visible changes to the exterior and no potential to cause effects on historic properties per §800.3(a)(1)? () Yes () No

If Yes, record date of building construction _____, age: _____ years, and STOP here. The Section 106 Historic Preservation review part is complete. If No, PROCEED.

3. If the proposed rehabilitation involves exterior physical work on any structure, **determine** -in consultation with the appropriate **SHPO/THPO**- whether the building is listed, or **eligible** for inclusion in the National Register of Historic Places (NR).

Is the building listed in or eligible for listing on the NR? () Yes () No

If No, attach SHPO/THPO concurrence or other evidence and STOP here. This part is complete pursuant to 36 CFR §800.4(d). If Yes, Proceed.

4. Determine whether **historic properties are affected** per §800.4(d). Has SHPO/THPO concurred with your fully documented determination of "no historic properties affected", or failed to object within 30 days of receipt of such determination?

() Yes. Enclose documentation and stop here. Section 106 review is complete.

() No. Proceed.

5. **Determine whether the project will have adverse effect** on historic properties according to § 800.5, in consultation with the SHPO/THPO and consulting parties [see §800.2(c)].

Will this project have an adverse effect on historic properties? () Yes () No

If "no", attach SHPO/THPO concurrence and STOP here. This part is complete per 36 CFR §800.5(d)(1).

If "yes", PROCEED.

6. Resolve Adverse Effects per §800.6 -in consultation with the SHPO/THPO, the Advisory Council on Historic Preservation (ACHP) if participating, and any consulting parties. The loan or grant may not be approved until adverse effects are resolved according to §800.6 or ACHP comment is considered by the Responsible Entity.

NOTES: 1. The determination/consultation of eligibility for the NR, may be sent to SHPO/THPO concurrently with the determination/consultation of effect or no effect and with the determination/consultation of adverse/no adverse effects. 2. A jurisdiction's Chief Executive Officer cannot delegate the decision to approve a project in opposition to Advisory Council comment. 3. Keep copies of this form, all SHPO/THPO and ACHP correspondence in the ERR as evidence of compliance with Section 106 of the National Historic Preservation Act.

Part IV Airport Clear Zones

1. Does this project involve the purchase or sale of existing property? () Yes () No

If no, STOP here. This part is complete, pursuant to 24 CFR Subpart D §51.302. If yes, PROCEED.

2. Is the subject property located in the Clear Zone (CZ), Approach Protection Zone, or in the Runway Clear Zone (RCZ) of a commercial civil airport or military airfield? () Yes () No

Source Documentation: _____

If no, STOP here; this part is complete. If yes, PROCEED.

Provide a **disclosure statement** advising the buyer that the property is in a RCZ or CZ, what the implications of such a location are and that there is a possibility that the property may, at a later date, be acquired by the airport operator. Obtain the buyer's signature acknowledging receipt of this information and attach it to this Appendix. (This requirement does not apply to Accident Potential Zones).

Part V Explosive & Flammable Operations

1. Will this proposed acquisition/rehabilitation project result in increased residential density or cause a vacant building to become physically or legally habitable?

() Yes () No

If the answer to both questions is No, STOP HERE. This part is complete per 24 CFR §51.201.

If the answer is Yes, PROCEED.

2. Is this proposed project within 1 mile of any visible, explosive-or-flammable-substance container (a stationary, above-ground tank with a capacity of more than 100 gallons)?

() Yes () No (See 24 CFR 51C, Appendices I and II).

Field inspection by: _____ Date: _____

If No, STOP here. This part is complete. If yes, PROCEED.

4. Note Tank volume: _____ gallons, or diked area around tank: _____ square feet.

Record distance from the project to the flammable/explosives container: _____ feet.

5. According to HUD Guidebook "Siting of HUD-Assisted Projects Near Hazardous Facilities"

(HUD-1060-CPD), the **Acceptable Separation Distance (ASD)** for both, blast overpressure **and** thermal radiation is: _____ feet. (The applicable ASD [see Appendix F for Thermal Radiation or

Appendix G for Blast Overpressure] is the greater of the two distances).

The project is located at an Acceptable Separation Distance according to Appendices F and G.

() Yes () No If yes, STOP here; this part is complete.

If no, () DENY PROJECT APPROVAL, or

() APPROVE only with the following mitigation measures according to 24 CFR §51.205:

Part VI Toxic Substances and Radioactive Materials

1. Are there visible toxic substances, chemical waste, dumps, landfills, industrial sites or any other facilities capable of releasing toxic chemicals, hazardous wastes or radioactive materials at or near the proposed site?

() Yes () No Proceed.

2. Does this project site contain an underground storage tank (which is not a residential fuel tank)?

() Yes () No Proceed.

Field Inspection by: _____ Date: _____

3. Do Federal, State or local environmental records sources reveal nearby on or nearby sites which pose threats to the subject site occupants' health or safety? () Yes () No Document, proceed.

Environmental Records Sources researched:

4. **Determination:** Is the subject property is free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the property? () Yes () No

If yes, the proposal is in compliance with HUD environmental policy on toxic/hazardous substances.

If no, proceed.

5. Gather all pertinent information about the on-site or nearby toxic hazard - e.g. waste characteristics, quantity, distance, prevailing wind direction, direction of slope, etc. Contact the State Department of Health Services or Air Quality Management District (in California), as needed, for assistance in assessing exposure to health hazards. Determine whether nearby toxic, hazardous or radioactive substances could affect the health and safety of project occupants.

6. Mitigate the adverse environmental condition by shielding, removing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency; **OR** reject the subject proposal. DENY HUD ASSISTANCE if, after mitigation, the housing is still determined to be in an UNSAFE OR UNHEALTHY ENVIRONMENT. Enclose documentation.

Preparer Name and Title

Signature

Date

Responsible Entity Official-Name and Title

Signature

Date

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 11/30/2004)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
11. Program Activity/Project Description	

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☐ did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
	Date signed
X Address of Certifying Officer	

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
	Date signed
X	

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

STATUTORY WORKSHEET

[Revised April 2000]

Use this worksheet only for projects which are Categorically Excluded per 24 CFR Section 58.35(a).

24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS

PROJECT NAME and DESCRIPTION - Include all contemplated actions which logically are either geographically or functionally part of the project:

This project is determined to be categorically excluded according to: [Cite section(s)] _____

DIRECTIONS - Write "A" in the Status Column when the project, by its nature, does not affect the resources under consideration; OR write "B" if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation (see Statutory Worksheet Instructions). Compliance documentation must contain verifiable source documents and relevant base data.

Compliance Factors:

Statutes, Executive Orders, and
Regulations listed at 24 CFR §58.5

Status
A/B

Compliance Documentation

Historic Preservation [36 CFR Part 800]		
Floodplain Management [24 CFR 55, Executive Order 11988]		
Wetland Protection [Executive Order 11990]		
Coastal Zone Management Act [Sections 307(c), (d)]		
Sole Source Aquifers [40 CFR 149]		
Endangered Species Act [50 CFR 402]		
Wild and Scenic Rivers Act [Sections 7(b), and (c)]		
Clean Air Act - [Sections 176(c), (d), and 40 CFR 6, 51, 93]		

Farmland Protection Policy Act [7 CFR 658]		
Environmental Justice [Executive Order 12898]		
HUD ENVIRONMENTAL STANDARDS Noise Abatement and Control [24 CFR 51B]		
Explosive and Flammable Operations [24 CFR 51C]		
Toxic Chemicals and Radioactive Materials [HUD Notice 79-33]		
Airport Clear Zones and Accident Potential Zones [24 CFR 51D]		

DETERMINATION:

- () This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); **Funds may be drawn down** for this (now) EXEMPT project; OR
- () This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 before drawing down funds; OR
- () The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

PREPARER SIGNATURE: _____ DATE: _____

—

PREPARER NAME: _____

—

RESPONSIBLE ENTITY AGENCY OFFICIAL / SIGNATURE: _____

NAME, TITLE: _____ DATE: _____

INSTRUCTIONS for completing the STATUTORY WORKSHEET

For HUD funded projects which are categorically excluded per 24 CFR §58.35(a), the Responsible Entity (RE) must make a determination of whether the proposal achieves compliance with each applicable statute, Executive Order or regulation with or without requiring formal consultation procedures, mitigation, permits or having adverse effects on the resources protected by the statute. (These instructions are a brief description of the essential findings needed to establish compliance. These instructions are not intended to replace the applicable regulations. Applicable regulations take precedence over these brief instructions). The Preparer of the Statutory Worksheet must DOCUMENT OR ATTACH THE SOURCES OF THE DETERMINATION.

Record the finding status on the STATUTORY WORKSHEET for each listed Federal statute, regulation, authority as follows:

Status “A” applies when compliance with the authority is achieved without adverse effects on the protected resource, without necessary mitigation or attenuation AND when no formal consultation, permit or agreement is required to establish compliance. In these situations, enter “A” in the STATUTORY WORKSHEET status column.

Status “B” applies when project compliance with the authority requires formal consultation, a permit or agreement, OR when the proposal may have an adverse effect on the protected resources. Part B summarizes what additional steps or formal procedures must be completed prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures or mitigation must be retained in the project Environmental Review Record (ERR).

Historic Properties (including archeology): A) The RE and SHPO agree that there are No Historic Properties Affected per 36 CFR 800.4. **B)** The proposal has an effect on historic properties. Consult with SHPO et al., per §800.5 et seq., to resolve or mitigate adverse effects.

Floodplain Management: A) The project does not involve property acquisition, management, construction or improvements within a 100 year floodplain (Zones A or V) identified by FEMA maps, **OR** does not involve a “critical action” (e.g., emergency facilities, facility for mobility impaired persons, etc.) within a 500 year floodplain (Zone B). If FEMA has not published flood maps, the RE must make a finding based on data from the City/County Engineer or local Flood Control Agency. **B)** Complete the 8-step decision making process according to 24 CFR Part 55 to document that there are no practicable alternatives and to mitigate effects of the project in a floodplain.

Wetlands Protection: A) The project does not involve new construction within or adjacent to a wetland identified by or delineated on maps issued by the USDI Fish & Wildlife Service. **B)** Complete the 8-step decision making process in 24 CFR 55 to document that there are no practicable alternatives and to mitigate effects of the project in a wetland. Such action also requires a permit from the U.S. Corps of Engineers under Section 404 of the Clean Water Act.

Coastal Zone Management: A) The project does not involve the placement, erection or removal of materials, nor an increase in the intensity of use in the Coastal Zone (CZ). **B)** Secure concurrence from the CZ Commission or delegated planning commission with your determination of consistency with the applicable CZ Plan.

Sole Source Aquifers (Safe Drinking Water Act): A) The project is not located in a U.S. EPA-designated sole source aquifer area, **OR** the project need not be referred to EPA for evaluation according to the HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990. **B)** Consult with the Water Management Division of EPA for the implementation of project mitigation measures to avoid contaminating the aquifer.

Endangered Species: A) The RE determines that the proposal is not likely to jeopardize the continued existence of any federally-listed or proposed Threatened and Endangered Species (i.e., plants or animals, fish, or invertebrates), nor destroy or adversely modify designated or proposed critical habitat. This finding is to be based on contact made with the U.S. Fish and Wildlife Service or with State Department of Fish and Game, or by special study completed by a professional biologist or botanist. **B)** Consult with the U.S. Fish and Wildlife Service or National Marine Fisheries Service, in accordance with procedural regulations contained in 50 CFR Part 402. Formal consultation with FWS or NMFS is always required for federally funded major construction activities.

Wild and Scenic Rivers: A) The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will not have an effect on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system. **B)** Consult with the U.S. Department of Interior, National Park Service for impact resolution and mitigation.

Air Quality: **A)** The project is located within an “attainment” area, **OR**, if within a “non-attainment” area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with the State Air Quality Management District or Board, **AND** the project requires no individual NESHAP permit or notification; **B)** Negotiate suitable mitigation measures with the Air Quality Management District or Board, obtain necessary permits, issue required notices. For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality Administrator when either 260 linear ft., 160 sq.ft., or 35 cubic ft., of asbestos containing material is to be disturbed.

Farmland Protection: **A)** The project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service NRCS (formerly the Soil Conservation Service, **OR** the project site includes prime or unique farmland, but is located in an area committed to urban uses; **B)** Request evaluation of land type from the NRCS using Form AD-1006, and consider the resultant rating in the project decision, as well as potential mitigation measures (including measures to prevent adverse effects on adjacent farmlands).

Noise Abatement and Control: **A)** The project does not involve development of noise sensitive uses, **OR** the project is not within line-of-sight of a major or arterial roadway or railroad, **OR** ambient noise level is 65 LDN (or CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG) for calculating noise levels and Airport Noise Contour map; **B)** Apply the noise standard, per 24 CFR §51.101, to the project approval decision (see §51.104), and implement needed noise attenuation measures (NAG page 39-40) as applicable.

Explosive or Flammable Operations: **A)** The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to “Siting of HUD-Assisted Projects Near Hazardous Facilities” (Appendix F, pp. 51-52), **OR** the project will expose neither people nor buildings to such hazards; **B)** mitigate the hazard (per 24 CFR 51.205) with the construction of a barrier of adequate size and strength to protect the project from the explosive or flammable hazard.

Toxic Chemicals and Radioactive Materials: **A)** The subject property is free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the property. Particular attention should be given to nearby dumps, landfills, industrial sites and other operations with hazardous wastes. **B)** Mitigate the adverse environmental condition by shielding, removing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency; **OR** reject the proposal.

Airport Clear Zones and Accident Potential Zones: **A)** The project is not within an FAA-designated civilian airport Runway Clear Zone (RCZ) or Approach Protection Zone, or within a military airfield Approach Protection Zone, Clear Zone (CZ) or Accident Potential Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCA or CZ; **B)** It is **HUD** policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.

Environmental Justice: **A)** The proposed site is suitable for its proposed use and will NOT be adversely impacted by adverse environmental conditions; **B)** Site suitability is a concern; the proposal is adversely affected by environmental conditions impacting low income or minority populations. Avoid such impacts or mitigate them to the extent practicable. Address the human health or environmental effects which adversely affect the low income or minority populations.

REV 5/2000

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Community Planning and Development
WASHINGTON, D.C. 20410-7000

Special Attention of:

NOTICE CPD-01-11

Field CPD Division Directors
Field Environmental Officers
HOME Participating Jurisdictions and Partners

Issued: July 17, 2001
Expires: July 17, 2002

Cross References: 24 CFR Part 58
Supersedes CPD 94-18

Subject: Environmental Review and the HOME Investment Partnerships Program

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I. INTRODUCTION

A. Purpose

The purpose of this notice is to provide guidance on the environmental review process required under the HOME rule. Additionally, this notice explains the responsibilities of HUD staff, HOME participating jurisdictions, state recipients, subrecipients, and third parties including property owners, contractors and developer partners, both public and private entities, in performing their environmental review responsibilities in accordance with 24 CFR Part §58. Several documents referred to in this Notice may only be accessible through the Internet.

B. Policy

It is the policy of the U.S. Department of Housing and Urban Development (HUD) to reject proposals that have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality and minimize environmental harm.

The National Environmental Policy Act (NEPA) and "other Federal laws and authorities" require that an environmental review be conducted for all Federally assisted actions (except those exempted under 24 CFR Part 58). The reviews should be viewed as a planning tool used by the participating Jurisdiction to determine (1) whether its proposed actions will have an impact on the environment, or (2) whether the environment will have an impact on the proposed action.

The value of the environmental review is to inform the proponent of a Federally assisted action: (1) of the existence of negative impacts on a site, (2) of means to mitigate negative impacts, (3) of alternatives to the project if needed, and (4) when all other options fail that rejection of the proposed action may be the most prudent action to take. The environmental review is a means of providing decision makers with sufficient information on which to base wise choices.

Completion of the *environmental review process* is mandatory **before** taking a **physical action** on a site, or making a **commitment** or **expenditure** of HUD or non-HUD funds for property acquisition, rehabilitation, conversion, lease, repair or construction activities. "Non-HUD funds" means any other Federal, state, local, private, or other funds. Further, participating jurisdictions, insular areas, state recipients, and subrecipients, may not commit HOME funds until HUD or the state has approved the Request for Release of Funds and related certification (RROF) unless the activity has been determined exempt in accordance with 24 CFR §58.34 and §58.35(b). Contractors, owners and developers (including Community Housing Development Organizations) may not commit or expend funds on HOME projects until the participating jurisdiction or state recipient has completed the environmental review process as defined below in Sections II and III.

Responsible entities (participating jurisdictions, state recipients or insular areas) shall begin the environmental review process at the earliest possible time so that potential conflicts between program procedures and environmental requirements are identified at an early stage. **The environmental review process should commence as soon as a proposed site is identified.**

This notice supersedes CPD Notice 94-18 and addresses new issues based on program experience under the previous notice. Moreover, this notice reflects changes in legislation and regulations since 1993, when the original Notice 93-16 was issued.

Address any questions regarding this notice to the CPD Division of the appropriate HUD Field Office.

C. Authority

- (1) Section 288 of Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA) as amended (42 U.S.C.12838) for the HOME Program.
- (2) 24 CFR Part 92-HOME Investment Partnerships Program
- (3) 24 CFR Part 58 --- Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities

D. Background

(1) Participating jurisdictions (states and units of general local government) use HOME funds to carry out multi-year housing strategies through acquisition, rehabilitation, new construction, and tenant-based rental assistance. Participating Jurisdictions may provide assistance in the form of loans, advances, equity investments, interest subsidies and other forms of investment that HUD approves. Participating jurisdictions may designate a subrecipient to administer all or a portion of the participating jurisdiction's HOME funds.

The HOME regulation (92.352) requires that the environmental effects of each activity carried out with HOME funds be assessed in accordance with the provisions of 24 CFR Part 58- "Environmental Review Procedures for Entities Assuming HUD Environmental Review Responsibilities," (hereafter Part 58). Part 58 is available on the HUD Website <http://www.hud.gov/cpd/envregul.html>.

- (2) Section 92.352 reads:

"(a) General. The environmental effects of each activity carried out with HOME funds must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and the related authorities listed in HUD's implementing regulations at 24 CFR parts 50 and 58.

(b) Responsibility for review. (1) The Jurisdiction (e.g., the participating jurisdiction or state recipient) or insular area [**herein referred to as the Responsible Entity or RE**] must assume responsibility for environmental review, decision-making and action for each activity that it carries out with HOME funds, in accordance with the requirements imposed on a recipient under 24 CFR part 58. **No funds may be committed to a HOME activity or project before the completion of the environmental review and approval of the request for release of funds and related certification, except as authorized by 24 CFR Part 58.**

(2) A state participating jurisdiction must also assume responsibility for approval of requests for release of HOME funds submitted by its state recipients.

(3) HUD will perform the environmental review, in accordance with 24 CFR part 50, for a competitively awarded application for HOME funds submitted to HUD by an entity that is not a jurisdiction."

II. DEFINITIONS

The uniform terminology provided in regulations of the Council on Environmental Quality at 40 CFR Part 1508 and the definitions provided in HUD environmental procedures at 24 CFR 58.2 take precedence for purposes of compliance with NEPA and other related Federal laws and authorities cited in §§58.5 and 58.6.

Activity - An action that a responsible entity puts forth as part of an assisted project, regardless of whether its cost is to be borne by the HUD assistance or is an eligible expense under the HUD assistance program.

Aggregation - The grouping together and evaluating as a single project of all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions.

Commitment - For purposes of the environmental review process, commitment means the expenditure of private or public funds, or a legally binding agreement by any of the following parties: participating jurisdictions, insular areas, State recipients, subrecipients, contractors, or owners/developers (including a CHDO), to expend funds for a specific project, for project activities such as property acquisition, construction, conversion, demolition, movement, rehabilitation, or repair or the provision of tenant-based rental assistance. HOME funds may not be used to reimburse a non-governmental entity for project-related costs incurred after the entity has submitted an application for HOME funds and before approval by HUD (or the state in the case of state recipients) of the Request for Release of Funds and Certification, except for activities that are exempt or are excluded and not subject to the laws in §58.5 and for certain relocation costs. A conditional HOME commitment of funds (as defined below) does not constitute a commitment for the purposes of the environmental review process.

Community Housing Development Organization (CHDO) - A non-profit entity, as further described in §92.2, whose primary purpose is to own, sponsor or develop housing assisted through the HOME Program. The environmental review responsibilities of Part 58 may not be delegated to a CHDO.

Compliance Determination - is an environmental review for complying with the applicable requirements of "other Federal laws and authorities" listed in §§58.5 and 58.6. Compliance determinations are documented on Statutory Checklist formats. Activities that require compliance with any of the Federal laws and authorities also require the publishing of a Notice of Intent to Request Release of Funds and submittal of a Request for Release of Funds and Certification form (HUD-7015.15) to HUD or the state.

Conditional HOME commitment - Any contractual agreement signed prior to the completion of the environmental review process between the participating jurisdiction, insular area or state recipient, and a state recipient, subrecipient, contractor, owner or developer, to use a specific amount of HOME funds to produce affordable housing or provide tenant-based rental assistance; or an executed written agreement reserving a specific amount of funds to a community housing development organization or nonprofit entity. Any such agreement must be conditional in nature so as not to provide the state recipient, subrecipient, contractor, owner or developer, legal claim to any amount of HOME funds to be used for the specific project or site until the environmental review process is satisfactorily completed. Such an agreement must explicitly provide that the agreement to provide funds to the project is conditioned on the responsible entity's determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review.

Contractor - An entity contracted by the participating jurisdiction to provide goods and services in accordance with a written agreement (the contract). The contractor cannot assume the RE's responsibilities for environmental review, decision making and action under §92.352.

Environmental assessment - A concise public document required under the National Environmental Policy Act regulations, for which a Federal agency (or an entity authorized to assume HUD's environmental review responsibilities) is responsible that provides sufficient evidence and analysis to determine whether to prepare an environmental impact statement or a finding of no significant impact (FONSI). The assessment is made in accordance with §58.40. It must examine existing conditions of the site and surrounding area; identify, analyze and evaluate all impacts; recommend feasible ways to mitigate or eliminate adverse environmental impacts; examine alternatives to the project (including the alternative of no action); and complete a compliance determination of applicable authorities cited in §§58.5 and 58.6. An Environmental Assessment format is used to document the conclusions of an environmental assessment. See Attachment D for location of sample Environmental Assessment format.

Environmental clearance - The completion of the environmental review process and documentation of compliance with Part §58.

Environmental review - The appropriate level of environmental analysis for a project or activity. This may include a Compliance Determination, Environmental Assessment, or Environmental Impact Statement.

Environmental review process - The completion of all procedural steps of an environmental review. This includes conducting and documenting an environmental review, making an environmental determination, publishing required public notices, submission of a Request for Release of Funds and Certification form, and receipt of an Authority to Use Grant Funds form from HUD (or the state).

Environmental Review Record (ERR) - A written record of environmental reviews related to a HOME assisted project, undertaken by the responsible entity. The ERR shall contain all environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project as specified in §58.38. The document shall be maintained by the participating jurisdiction and made available to the public. See §58.38.

Individual action on a one to four family dwelling - An individual decision regarding the acquisition, construction, demolition, leasing, moving, or rehabilitation, of a one to four family residential building. An environmental assessment and finding of no significant impact under NEPA is not required for such activities unless an extraordinary circumstance as defined in § 58.2(a)(3) occurs. Compliance with other applicable Federal environmental laws and authorities listed in §58.5 and §58.6 is required for all individual actions on a one to four family dwelling.

Major rehabilitation - Rehabilitation work that: changes unit density by more than 20 percent; changes land use from nonresidential to residential; or whose estimated cost is 75 percent or greater of the total estimated cost of replacement after rehabilitation. Major rehabilitation of a one-to-four family dwelling may require a Compliance Determination review. Projects involving five or more units may require an environmental assessment and Compliance Determination. See §58.35(a)(3) for further explanation.

Minor rehabilitation and repair - Rehabilitation work (i) whose estimated cost is less than 75 percent of the total cost of replacement after rehabilitation; (ii) that does not involve changes in land use from nonresidential to residential; and (iii) where unit density is not increased by more than 20 percent. Minor rehabilitation which meets the "individual action on a one-to-four family dwelling" definition requires only a Compliance Determination review. See §58.35(a)(3) for further explanation.

Participating jurisdiction (PJ) - A unit of general local government (UGLG) or state designated by HUD to receive HOME assistance in accordance with §92.105. The PJ is responsible for ensuring that HOME assistance is expended in accordance with program regulations (24 CFR Part 92). The PJ (UGLG or state) becomes the *responsible entity* responsible for completing the

environmental review process in accordance with Part 58, except that states that fund state recipients must require the state recipients to assume the environmental review responsibilities. This means that the state recipient then becomes the responsible entity.

The responsible entity must submit its Request for Release of Funds and Certification to HUD, except that state recipients must submit their Request for Release of Funds and Certification to the state.

Project - "An activity, or a group of integrally related activities, designed by the recipient [participating jurisdiction, insular area or state recipient] to accomplish, in whole or in part, a specific objective" (§58.2(a)(4)). In the context of the HOME Program, this means a site or sites, inclusive of any buildings that are under common ownership, management, and financing that will be assisted with HOME funds as a single undertaking (§92.2). The scope of the environmental review process must include both the HOME funded and non-Federally funded portions of the project.

Recipient - The term "recipient" found in 24 CFR Part 58 means the participating jurisdiction, insular area, or state recipient for purposes of the HOME Program.

Reconstruction - The rebuilding, on the same lot, of housing standing on a site at the time of project commitment. The number of housing units on the lot may not be decreased or increased as part of a reconstruction project, but the number of rooms per unit may be increased or decreased. Reconstruction also includes replacing an existing substandard unit of manufactured housing with a new or standard unit of manufactured housing. Reconstruction is considered major rehabilitation for purposes of the HOME Program. Projects involving one-to-four units of family dwellings require a Compliance Determination review. Projects involving five or more units require an environmental assessment if the units are located within 2000 feet of each other.

Release of Funds (ROF) - The issuance of the "Authority to Use Funds" form or equivalent letter by HUD or the state for activities which require the participating jurisdiction, insular area or state recipient to submit a Request for Release of Funds and Certification form to HUD or the state. This action completes the environmental clearance process.

Responsible entity - A participating jurisdiction, a state recipient, or an insular area responsible for conducting environmental reviews.

Source/documentation - Information/data such as studies, correspondence, maps, interviews, plans, and observations used as a basis to make an environmental determination. The type of source/documentation is cited in the environmental review.

State recipient - A unit of general local government that receives HOME funds from a State PJ. The state recipient must assume the responsibility for environmental review.

Statutory checklist format - An outline format used to document the compliance determination related to the other Federal laws and authorities in §§58.5 and 58.6.

Subrecipient - A public agency or nonprofit organization selected by the participating jurisdiction to administer all or a portion of the participating jurisdiction's HOME program. A public agency or nonprofit that receives HOME funds solely as a developer or owner of housing is not a subrecipient. Under Part 58, the responsibility to conduct environmental reviews and make determinations cannot be assumed by a subrecipient. The subrecipient, however, may assist the participating jurisdiction in gathering information used in completing the environmental review process.

Unit of general local government (UGLG) - The political jurisdiction such as a city, town, county, parish, village, or other general purpose political subdivision of a state or a consortium of such political subdivisions recognized by HUD in accordance with §92.101; and any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the Jurisdiction with regard to the provisions of Part 92.

III. LIMITATIONS ON ACTIONS PENDING CLEARANCE.

No funds may be committed by a participating jurisdiction (responsible entity) to a HOME project before the completion of the environmental review process, except as authorized by 24 CFR §58.22. Completion of the environmental review process includes:

- (1) completing the appropriate level of environmental review,
- (2) publishing required public notices (when applicable),
- (3) submitting a Request for Release of Funds and Certification form (HUD-7015.15) to HUD (or the state), when applicable,
- (4) approval of the request for release of funds and related certification by HUD (or the state), when applicable. This is accomplished with a HUD form 7015.16 - Authority to Use Grant Funds or equivalent letter.

In addition, the participating jurisdiction shall take the necessary steps to assure that its third party partners refrain from undertaking any activities that would have an adverse environmental impact or limit the choice of reasonable alternatives until HUD (or the state, for HOME grants awarded by the state to state recipients) has issued an approval of the Request for Release of Funds and Certification for the project.

There are, however, three exceptions to the limitation on actions pending environmental clearance. These are:

- (1) Activities **exempt** under 24 CFR §58.34, or not subject to the related laws and authorities in accordance with §58.35(b). This includes conducting environmental reviews.

- (2) The purchase of a real estate **option** subject to the conditions stated in §58.22(b) regarding environmental acceptability and nominal price. It is permissible to purchase a real estate option on a property that is designated for the construction or rehabilitation of a unit with HOME funding prior to the completion of an environmental review, provided the option agreement stipulates that the purchase of the property is subject to a determination by the RE on the desirability of the property for the project as a result of the completion of the environmental review. The cost of the option must also be a nominal portion of the purchase price.
- (3) Funds for **relocation** assistance may be committed provided that the assistance is required by 24 CFR Part 42.

IV. COMMITMENT OF HOME ASSISTANCE

The standard for what constitutes a commitment of HOME funds for the environmental review process is different from HOME fund commitment and the CHDO reservation deadlines. Participating jurisdictions may enter into a *conditional HOME commitment*, as defined in Section II above, to satisfy the commitment and reservation deadlines without violating the environmental review requirements. PJs should note that the conditional HOME commitment must explicitly state that the agreement to provide funds to the project is conditioned on the responsible entity's determination to proceed with, modify or cancel the project based on the results of the subsequent environmental review.

- A. **HOME Commitment and CHDO reservation deadlines.** HOME legislation and regulations 24 CFR 92-500(d) state that HUD will reduce or recapture (de-obligate) HOME funds if they are not reserved for a community housing development organization (CHDO) or committed by a participating jurisdiction pursuant to a written agreement within 24 months. HOME commitment and CHDO reservation documentation includes written agreements, which provide for the *conditional HOME commitment* of funds. Specific guidance on commitments, reservations and expenditures is provided in Notice CPD xx-xx "Commitment, CHDO Reservation and Expenditure Requirements for the HOME, program," as may be updated.
- B. **Environmental requirements.** PJs, insular areas, state recipients, subrecipients, contractors, owners, and developers shall not undertake any activities that would adversely impact or limit the choice of reasonable alternatives for a project until it has been environmentally cleared. To achieve this end., PJs, insular areas, state recipients, subrecipients, contractors, owners and developers **must not** expend public or private funds (HUD, other Federal, or non-Federal funds) or execute a legally binding agreement for property acquisition, rehabilitation, conversion, repair or construction pertaining to a specific site until environmental clearance has been achieved. Using any portion of Federal funds for acquisition, rehabilitation, conversion, leasing, repair or construction before completing the environmental review process requires the denial of **any** Federal funds for that

project. However, REs may provide a conditional commitment of HOME funds for a specific project, pending environmental clearance, *provided* the conditional commitment meets the criteria of "Conditional Commitment of Funds," found in paragraph C, below.

- C. Conditional Commitment of Funds.** Responsible entities may enter into an agreement for the conditional commitment of HOME funds for a specific project prior to the completion of the environmental review process. The RE must ensure that any such agreement does not provide the state recipient, subrecipient or contractor any legal claim to any amount of HOME funds to be used for the specific project or site unless and until the site has received environmental clearance. Note: HOME funds that are conditionally committed can be included when determining whether the commitment and CHDO reservation requirements of 24 CFR 92.500 (d) have been met. The following language is acceptable in an otherwise appropriately drafted agreement:

Notwithstanding any provision of this Agreement, the parties hereto agree and acknowledge that this Agreement does not constitute a commitment of funds or site approval, and that such commitment of funds or approval may occur only upon satisfactory completion of environmental review and receipt by [the participating jurisdiction, insular area or state recipient] of a release of funds from the U.S. Department of Housing and Urban Development [or the State of.....] under 24 CFR Part §58. The parties further agree that the provision of any funds to the project is conditioned on the [participating jurisdiction, insular area or state recipient's] determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review.

The agreement must also contain a provision prohibiting the state recipient, subrecipient or contractor from undertaking or committing any funds to physical or choice-limiting actions, including property acquisition, demolition, movement, rehabilitation, conversion, repair or construction prior to the environmental clearance, and must indicate that the violation of this provision may result in the denial of any funds under the agreement. The agreement should not contain provisions requiring the execution of a construction contract unless the provision requires prior completion of the environmental clearance and advice from the PJ, insular area or state recipient to proceed with the project and/or proceed with execution of the contract. Provisions such as specific work descriptions and plans or specifications should not be included in a conditional HOME commitment. Participating jurisdictions, insular areas and state recipients are encouraged to keep any conditional HOME commitments short and, if necessary, include more detailed provisions relating to project execution in an unexecuted attachment to avoid the appearance of permission or encouragement to begin undertaking choice-limiting actions.

V. RESPONSIBILITIES

A. HUD Field Office CPD Director

The CPD Director is the HUD Authorizing Officer who approves the participating jurisdiction's "Request for the Release of Funds and Certification" (RROF/C) form HUD-7015.15 that certifies compliance with Federal environmental laws and authorities. The form used to convey approval is the "Authority to Use Grant Funds" form HUD-7015.16, or equivalent letter. The CPD Director may disapprove the RROF/C if one or more of the permissible bases for objection apply in accordance with §58.75, or if HUD has knowledge that the responsible entity has not complied with the items in §58.75 or that the RROF and certification are inaccurate, in accordance with §58.72.

Upon expiration of the 15 calendar day comment period, the CPD Director shall approve the RROF/C with an "Authority to Use Grant Funds" form (HUD-7015.16), unless there is a basis for disapproval.

B. HOME Participating Jurisdictions -- state governments

State governments shall become the Responsible Entity that assumes HUD environmental responsibilities in accordance with 24 CFR §58.2(a)(7) when they directly fund HOME projects (including through CHDOS). State governments will submit their Request for Release of Funds and Certification to HUD.

State governments shall become responsible for the administration of 24 CFR Part 58 "Subpart H - Release of Funds for Particular Projects" for all grants made by the state to a state recipient.

The RE shall **not** acquire, demolish, move, rehabilitate, convert, lease, repair or construct property, or commit or expend HUD or non-Federal funds for HOME program activities with respect to any eligible property, until the environmental review process has been completed.

C. HOME Participating Jurisdictions - local governments, and state recipients

Participating Jurisdictions that are local governments (units of general local government) that receive HOME funds directly from HUD, as well as state recipients (units of general local government) that receive HOME funds from state governments, are a Responsible Entity that assumes HUD environmental responsibilities in accordance with 24 CFR §58.2(a)(7).

Units of general local government that receive funds directly from HUD submit their Request for Release of Funds and Certification to HUD. State recipients submit their Request for Release of Funds and Certification to the state government.

The RE shall **not** acquire, demolish, move, rehabilitate, convert, lease, repair or construct property, or commit or expend HUD or non-Federal funds for HOME activities with respect to any eligible property, until the environmental review process has been completed.

D. Non-governmental Entities

The authority to become a Responsible Entity and make environmental determinations may not be delegated to non-governmental entities such as subrecipients, contractors, owners and developers. Non-governmental entities can, however, assist the PJ or state recipient in completing the environmental review by:

- (a) supplying the PJ or state recipient with all relevant information needed to perform an environmental review, or
- (b) carrying out mitigating measures required by the PJ or state recipient, or selecting an alternate property for assistance.

Non-governmental entities **must refrain** from undertaking activities that would have an adverse environmental impact or would otherwise limit the choice of reasonable alternatives until HUD (or the state for HOME grants awarded by the state to state recipients) has issued an approval of the "Authority to Use Grant Funds" form (HUD-7015.16), or equivalent letter. Such activities include acquiring, rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-Federal funds for HOME program activities with respect to any eligible property. [NOTE: for activities that are exempt or excluded and not subject to the laws in §58.5 and certain relocation costs do not require the issuance of an "Authority to Use Grant Funds" form (HUD-7015.16).]

HOME funds may not be used to reimburse a non-governmental entity for project-related costs incurred after the entity has submitted an application for HOME funds and before approval by HUD (or the state in the case of state recipients) of the Request for Release of Funds and Certification except for activities that are exempt or are excluded and not subject to the laws in §58.5 and for certain relocation costs. A non-governmental entity (subrecipients, contractors, owners and developers) must not take actions that would have an adverse impact or limit the choice of reasonable alternatives on projects after it applies for HOME funds.

VI. DETERMINING THE LEVEL OF ENVIRONMENTAL REVIEW

The RE should initiate the environmental review process as soon as the activity is identified in order to avoid delaying its implementation. Environmental reviews can even be completed before the HOME Investment Partnership Agreement between HUD and the PJ is signed.

The first step of the environmental review process is to determine what level of review is required. The RE should consult §§58.34, 58.35, 58.36 and 58.37 to determine the level of review applicable to each proposed activity. There are six possible levels of review that can be initiated.

A. Exempt activities (24 CFR §58.34(a)(1)-(11)). Activities that generally have no physical impact on the environment. Exempt activities include the following:

- (1) Environmental and other studies;
- (2) Information and financial services;
- (3) Administrative and management activities;
- (4) Inspections and testing of properties for hazards or defects;
- (5) Purchase of insurance,
- (6) Engineering or design costs;
- (7) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration.

The RE is not required to undertake a NEPA level review (environmental assessment) or document that the activities comply with other Federal laws and authorities found at §58.5. Additionally, there is no requirement that public notices be published, or that a Request for Release of Funds and Certification be submitted to HUD (or the state in the case of state recipients). The RE must document its determination that the activity is exempt, and place the document into the Environmental Review Record.

Example: A HOME PJ hires an architectural firm to design HOME-assisted new construction townhouses. This use of HOME funds is exempt under §58.34(a)(8).

B. Categorical exclusions not subject to §58.5 authorities. (24 CFR 58.35(b))

HUD has determined that certain categorically excluded activities would not alter any conditions that would require an environmental review or compliance determination under Federal laws and authorities cited in §58.5. Examples of activities that are categorical exclusions not subject to §58.5 include the following:

- (1) Tenant-based rental assistance.

(2) Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title. **Warning:** homebuyer assistance for units not already under construction must be treated as a categorical exclusion **requiring** compliance with the authorities cited in §58.5.

- (3) Housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities that do not have a physical impact.

Example: An RE uses portion of its annual HOME allocation to provide tenant-based rental assistance to income-eligible families. The HOME funds are used to pay the security deposits and subsidize the market-based rents so that families receiving assistance pay no more than 30 percent of their monthly incomes on rent. The term of assistance is for two years subject to renewal. Such use of funds is categorically excluded from the requirements of NEPA [§58.35(h)(1)], and the requirements of §58.5, as this activity is not subject to any of the statutes cited under this section. A Compliance Documentation review is not conducted.

These activities are treated like exempt activities. The RE is not required to undertake a NEPA level review or document that the activities comply with other Federal laws and authorities found at §58.5. Additionally, no public notices are published, and a Request for Release of Funds and Certification is not submitted to HUD (or the state in the case of state recipients). The RE must document its determination that the activity is a categorical exclusion not subject to §58.5 authorities, and place the document into the Environmental Review Record.

C. Categorical exclusions subject to 58.5. (24 CFR 58.35(a))

A category of actions that do not individually or cumulatively have a significant effect on the human environment. Categorically excluded activities typically replace or improve existing facilities or structures, i.e., they retain the original usage of a structure or facility; do not increase the size or unit density of the structure or facility being improved by more than 20 percent; do not change land uses (commercial to residential); and in the case of rehabilitation, the cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

Examples of categorically excluded activities are as follows:

- (1) minor rehabilitation of an existing property (multifamily or single family);
- (2) an individual action, such as new construction, major rehabilitation, moving or demolition, on a one-to-four family dwelling. *[New construction or major rehabilitation of five or more units located within 2,000 feet of each other undertaken as a single action (e.g., a subdivision), is **not** categorically excluded.]*

Example: A multifamily building rehabilitated under the HOME program at a cost of \$450, 000. The rehabilitation conducted did not involve a change of land use or change unit density by more than 20 percent. The replacement cost of the structure as determined by the insurance company providing coverage is \$1,500,000. The project therefore, is categorically excluded from NEPA as the amount of the rehabilitation work is only 30 percent of the replacement cost [$\$450,000 \div \$1,500,000 = 30\%$]. The level of rehabilitation work allowed before the 75% maximum level is reached is \$1,125, 000 [or $\$1,500,000 \times .75$]. A Compliance Determination review is completed and a RROF is submitted to HUD (or the state) to receive HOME funding. On the other hand, if the total rehabilitation costs had exceeded 75 percent of the total estimated cost of replacement after rehabilitation, or if the rehabilitation had involved a change in land use or a change in unit density of more than 20 percent, the RE would then have had to complete a full Environmental Assessment in order to satisfy NEPA.

Categorically excluded activities require the completion of a "compliance determination" review using a "statutory checklist format." This format lists ten Federal laws and authorities found in §58.5. The proposed activity is reviewed to determine whether it complies with the requirements of the Federal laws and authorities. If the proposed activity triggers any of the Federal law and authority reviews, e.g., E.O. 11988, "Floodplain Management," the specific review must be completed before the "compliance determination" can be considered finished. The RE must then:

- (1) publish all notices related to the specific Federal law and authority review;
- (2) publish a Notice of Intent to Request Release of Funds.
- (3) submit a Request for Release of Funds and Certification to HUD or the state (in the case of a state recipient).
- (4) wait to receive a HUD-7015.16 form, "Authority to Use Grant Funds" or equivalent letter from HUD or the state.

Activities or projects that are determined to be categorical exclusions must also comply with the provisions of §58.6.

D. Categorically excluded activities converted to exempt activities (24 CFR 58.34(a)(12))

Activities that are listed in §58.35(a)(1)-(6) as categorical exclusions may be converted into exempt activities under the following conditions:

- (1) The RE completes a compliance determination under the Federal laws and authorities cited in §58.5 for the proposed activity.

- (2) The RE concludes that no circumstances exist where any of the Federal laws and authorities require compliance with its own review procedures.
- (3) The RE documents its conclusions on the compliance review form (statutory checklist format) and places it in the Environmental Review Record. No public notices are published and no Request for Release of Funds and Certification is submitted to HUD or the state (in the case of state recipients).

The RE documents that the activity did not trigger compliance with any Federal laws and authorities and, consequently, the activity was converted into an exempt activity. All documents will be placed in the Environmental Review Record.

E. Environmental assessment (EA) (24 CFR §58.36) Activities which cannot be determined to be exempt under §58.34 or categorically excluded from NEPA under §58.35, or which involve a categorical exclusion with "extraordinary circumstances" under §58.2(a)(3), require that a full Environmental Assessment be conducted. While an EA addresses the same issues as those found in a Compliance Determination review, it also includes the following analysis:

- (1) determines existing conditions;
- (2) identifies, analyzes and evaluates all potential environmental impacts;
- (3) examines and recommends feasible ways to eliminate or minimize adverse environmental impacts;
- (4) examines alternatives to the project-;
- (5) includes a compliance determination for all other Federal laws and authorities cited in §58.5 and §58.6.
- (6) leads to an RE's Finding of No Significant Impact (FONSI), or a Finding of Significant Impact, thereby requiring the execution of an Environmental Impact Statement (EIS).

An EA, using an Environmental Assessment Format, is normally required for five or more units only if the sites are 2,000 feet apart or less and/or there are more than four units on a site. This includes:

- (1) new construction of five or more residential units;
- (2) major rehabilitation and reconstruction of five or more residential units;
- (3) conversion of non-residential land use to residential land use;

- (4) acquisition of vacant land for development when five or more units are involved.

Upon completion of the environmental assessment, the RE will make either a **Finding of No Significant Impact (FONSI)**, or a **Finding of Significant Impact (FOSI)** determination. In the event that a FONSI is made, the RE will do all of the following:

- (1) publish or disseminate a Notice of Finding of No Significant Impact in accordance with §58.43 and §58.45;
- (2) publish or disseminate a Notice of Intent to Request Release of Funds;
- (3) submit to HUD or the State (for State recipients) a "Request for Release of Funds and Certification" form (HUD-7015.15).
- (4) wait to receive an "Authority to Use Grant Funds" form (HUD-7015.16) or equivalent approval letter from HUD or the State (for State recipients) before initiating work or committing funds.

In the event that a FOSI is made, the RE must adopt or initiate an Environmental Impact Statement (EIS) in accordance with Subparts F and G of Part §58.

Activities or projects that require an Environmental Assessment must also comply with the provisions of §58.6.

Example: A housing developer borrows \$2,000,000 in HOME funds to acquire a single parcel of 10 acres of land and construct 30 units of rental housing. Such a project is neither exempt nor categorically excluded from NEPA.. The size of the project exceeds the thresholds of categorically excluded activities under §58.35(a)(4). Additionally, the proposed use of HOME funds for the project is not composed entirely of "soft costs" associated with exempt activities listed in §58.34. Consequently, the RE must perform an Environmental Assessment in accordance with §58.36, as detailed at §58.40, before committing funds.

F. Environmental Impact Statement (EIS) (24 CFR 58.37)

An environmental impact statement is a complex analysis required for proposed activities that would have a significant impact on the human environment in accordance with section 102(2)(C) of the National Environmental Policy Act. EIS thresholds stated at §58.37(a) and (b)(2) include:

- (1) projects determined by a previously written environmental assessment, to have a potentially significant impact on the human environment;
- (2) projects involving 2,500 or more units being: removed, demolished, converted, rehabilitated, constructed.

The RE must prepare an Environmental Impact Statement (EIS) for projects where a Finding of Significant Impact (FOSI) has been determined in the EA. Preparation of an EIS requires the RE to:

- (1) publish a Notice of Intent to prepare an Environmental Impact Statement (NOI/EIS) in accordance with §58.55;
- (2) determine whether or not to hold a scoping meeting in accordance with §58.56;
- (3) designate a lead agency when appropriate in accordance with §58.57;
- (4) determine whether or not to hold public hearings in accordance with §58.59 and 40 CFR 1506.6; and
- (5) prepare and file an EIS in accordance with §58.60.

If, on the basis of an EA, an RE determines that the thresholds in §58.37(b) are the sole reason for the EIS, a Finding of No Significant Impact (FONSI) may be prepared pursuant to 40 CFR 1501.4. The FONSI must be available to the public for 30 days before the RE makes a final determination whether to prepare an EIS. The RE must use the EIS format recommended by the Council on Environmental Quality regulations at 40 CFR 1502.10.

Activities or projects that require an Environmental Impact Statement must also comply with the provisions of §58.6.

G. Other requirements (24 CFR 58.6)

In addition to the duties under the laws and authorities specified in §58.5, the responsible entity must comply with the following requirements:

- (1) Federal assistance for acquisition and construction purposes. **other than under the state-administered HOME Program**, may not be used in an area identified as having special flood hazards, (i.e., floodplain), where the community is not participating in the National Flood Insurance Program.
- (2) Where a community is participating in the National Flood Insurance Program, flood insurance must be obtained on properties located in a 100-year floodplain, as a condition of the approval of financial assistance to the property owner for acquisition and construction purposes, **except under the state-administered HOME Program**.
- (3) HUD assistance may not be used for most activities proposed in the Coastal Barrier Resources system.
- (4) Buyers receiving Federal assistance to purchase a property in a runway clear zone or military clear zone shall be advised in writing of the hazard of its location and the

possibility that their property may be acquired by the airport operator. The buyer must sign an acknowledgment of receipt of this information.

VII. OUTSTANDING AND RELATED ISSUES

A. Aggregation: Combining project activities for the environmental review process

The RE must group together and evaluate as a single project all individual activities which are related on a geographic basis (i.e. site specific) or a functional basis (i.e. activity specific), are logical parts of a larger project, are funded by several Federal programs, or are partly funded with non-Federal resources. The purpose of aggregation is to reduce the number of individual reviews by analyzing the impacts of the "entire" proposed activity.

Examples of such circumstances include:

1. Multiple years of HOME funding.
2. Funds from other HUD programs (e.g., the Community Development Block Grant and the Supportive Housing Programs).
3. Other Federal (non -HUD) program funds,
4. Other non-Federal sources (e.g., State, local, nonprofit or private companies).

The environmental review must (a) state whether or not the proposed activity will receive multiple year funding, and (b) assess the impacts of activities funded from all other sources (Federal and non-Federal) which are used in HOME-assisted projects. The review would address all aspects of the project, not just those assisted with Federal funds. Additionally, the applicable public notice(s) shall identify the source of all other funds. Separate Request for Release of Funds and Certification forms (HUD-7015.15) should be completed for each source of HUD funds (e.g., HOME, CDBG, SNAPS).

B. Reevaluations (24 CFR 58.47)

After completion of the original environmental review process, circumstances may require that the original review be reevaluated. This will be occur when:

- (1) substantial changes to the nature, magnitude, or extent of the project are proposed,
- (2) new activities not anticipated in the original review are proposed,
- (3) new circumstances and environmental conditions that may affect the project or have a bearing on its impact are discovered during the implementation of the project, or
- (4) the selection of an alternative not in the original finding is proposed.

If the original findings are still valid, the RE must affirm the original findings and update the Environmental Review Record with its re-evaluation. A statement addressing the above four points will suffice as documentation that a re-evaluation has been conducted. A new FONSI notice is not required.

If the RE determines that the original findings are no longer valid, it must prepare a new Environmental Assessment (or an EIS if its evaluation indicates potentially significant impacts). A new FONSI notice must be published/disseminated and be submitted to HUD (or the State) or disseminated in accordance with §58.43.

C. Projects in progress

There are two circumstances in which HOME-funded projects receive funding **after** construction has started without violating environmental requirements. These circumstances are as follows:

- (1) Projects started with Federal funds. An approved HOME-funded project may receive additional Federal funds after the original Request for Release of Funds and Certification form (HUD-7015.15) [where required] had been approved by HUD (or the state), but before the project itself is completed. In such case, the RE may be required to initiate a reevaluation of the original environmental determination in accordance with §58.47 (see Section B above). Generally, approval of supplemental assistance to cover minor shortfalls in funding and to help complete a project previously approved under this part is excluded from the environmental review requirements of NEPA and the §58.5 authorities, if approval is made by the same responsible entity.
- (2) Projects started with non-Federal funds. PJs, State recipients, subrecipients, contractors, owners, developers (including CHDOs) who had committed or expended **non-Federal funds** including **permanent financing**, to begin the development of an affordable housing project before the RE obtains an Authority to Use Grant Funds form (HUD-7015.16) by HUD (or the state) may be reimbursed with HOME funds for such expenditures only when the following conditions are met:
 - (a) The contractors, owners and developers started the project without the intention of using Federal assistance (e.g., as evidenced by other anticipated funding, the original project budget, etc.);
 - (b) The RE informs the state recipient, subrecipient, contractor, owner or developer that all work on the project must cease and/or the RE itself ceases all work on the project once an application for HOME funds is made. No work or other choice limiting actions may occur after that date. Work may recommence upon receipt of form HUD-7015.16 from HUD (or the state). REs may not obligate funds to projects unless the PJ or state recipient first

determines that the result of the environmental review is satisfactory and HUD (or the state) has issued a form HUD-7015.16.

Example: A nonprofit housing developer uses its own funds to acquire land to construct four single family affordable housing units. Under normal circumstances this project could be sustained by using local funds, and the nonprofit had no intention of using HOME funds to assist any part of it. However, unanticipated cost overruns occur related to site preparation work causing the project to go over budget. The developer decides to seek HOME funds from an RE. To do so, the developer must stop work on the project, and provide information requested by the RE regarding the project site to aid in the production of the environmental review. Work on the project may recommence only after completion of the environmental review process.

D. Emergencies (24 CFR 58.33)

When an emergency, disaster or imminent threat to health and safety is declared, the combined Notice of FONSI and the Notice of Intent to Request Release of Funds (NOI/RROF) may be disseminated and/or published simultaneously with the submission of the Request for Release of Funds and Certification form to HUD (or the state). The combined FONSI Notice and NOI/RROF shall state that the funds are needed immediately due to a Presidentially declared disaster and that the comment periods have been combined. Any comments made by the public, other organizations or agencies are to be sent to both HUD (or the state) and the RE.

E. Program income and match

Environmental reviews must be conducted for activities funded by program income. Environmental reviews are not required for activities supported by HOME match contribution requirements unless they are part of the project also receiving HOME funds.

Attachment A

STEPS TO CONDUCTING AN ENVIRONMENTAL REVIEW

1. Determine what level of review is required:
 - Exempt
 - Categorical Exclusions Not Subject to §58.5
 - Categorical exclusions
 - Categorical exclusions converted to exempt
 - Environmental assessment
 - Environmental Impact Statement
2. Initiate contacts with outside sources, e.g. State Historic Preservation Officer.
3. Collect data.
4. Complete applicable review format, i.e. Statutory Checklist or Environmental Assessment.
5. Make environmental determination, i.e. compliance with Federal laws and authorities, **or** finding of no significant impact, **or** finding of significant impact.
6. Publish or disseminate public notices when applicable.
7. Submit Request for Release of Funds and Certification form to HUD (or the state).
8. Wait for receipt of Authority to Use Grant Funds form from HUD (or the state).
9. Start project - commit funds.

Attachment B

Environmental Determinations for HOME-funded Undertakings

Action	Exempt	Categorically Excluded Not Subject To §58.5	Categorically Excluded Subject To §58.5	Environmental Assessment
Acquisition of existing structure and land			X(1),(4),(5)	
Acquisition of vacant land for future development			X(1),(4)	X(2)
Administrative costs/planning	X			
CHDO operating expenses	X	X		
Closing costs for homebuyers on existing units or units under construction		X		
Construction (new)			X(1),(4)	X(2)
Conversion of building use (change in land use)			X(1),(4)	X
Down payment assistance to homebuyers for existing units or units under construction		X		
Elder cottage housing opportunities - purchase			X(1),(4),(5)	
Elder cottage housing opportunities - rehab			X(1)(3),(4)	
Inspections and testing of properties	X			
Major rehabilitation			X(1),(4)	X
Manufactured housing - purchase			X(1)(4),(5)	X(2)
Manufactured housing - rehabilitation			X(1)(3),(4)	X(2)
Minor rehabilitation			X(1),(3),(4)	
Predevelopment costs (§58.35(b)(6))		X		
Reconstruction			X(1),(3),(4)	X(2)
Tenant-based rental assistance/security deposits		X		

- 1 Can be converted into an exempt activity if none of the laws and authorities listed in §58.5 require further compliance.
- 2 For projects involving five or more residential units that **are** 2000 feet apart or less and/or have more than four units on one site.
- 3 Provided that the activity meets the criteria of 24 CFR 58.35(a)(3).
- 4 Provided that the activity meets the criteria of 24 CFR 58.35(a)(4).
- 5 Provided that the activity meets the criteria of 24 CFR 58.35(a)(5)

Attachment C

Sample Environmental Notices & Instructions for Computing Environmental Notice Waiting Periods

SAMPLE SEPARATE FONSI NOTICE

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT

*Date _____:

(Name, Address, Zip Code and Telephone Number of the Responsible Entity)

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

The above-named (city) (county) (State of....) proposes to request the U. S. Department of Housing and Urban Development (or State of) to release Federal funds under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 for the following project:

(Project Title or Name)

(Purpose or Nature of the Project)

(Location-City, County, State of project)

(Estimated Cost of Project)

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and, accordingly, the above-named (city) (county)(state of) has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969.

(If applicable) The following negative impacts have been identified, as well as the means to mitigate their effect:

(Set forth reasons for decision)

An Environmental Review Record respecting this project which has been made by the above-named (city) (county) (state of....) documents the environmental review of the project and more fully sets forth the reasons why such Statement is not required. This Environmental Review Record is on file at the above address and is available for public examination and copying, upon request, at Room _____, between the hours of _____ and _____.

(if applicable) No further environmental review of such project is proposed to be conducted, prior to the request for release of Federal funds.

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the (city) (county) (state of ...) to the (office of the undersigned) (other specified place). Such written comments should be received at (the address specified) on or before (**date). All such comments so received will be considered and the (city) (county) (state of.....) will not request the release of Federal funds or take any administrative action on this project prior to the date specified in the preceding sentence.

(Name and Address of the Chief Executive Officer or Responsible Entity)

*Insert date of first publication. or if no publication, date of mailing and posting.

**not less than 15 days after the date of publication or 18 days after mailing and posting.

SAMPLE SEPARATE NOI/RROF
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date _____

(Name, Address, Zip Code and Telephone Number of Responsible Entity)

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

(Project Title or Name)

(Purpose or Nature of Project)

(Location-City, County, State of Project)

(Estimated Cost of Project)

An Environmental Review Record respecting this project has been made by the above-named (City) (County) (State of) which documents the environmental review of the project. This Environmental Review Record is on file at the above address and is available for public examination and copying, upon request.

(Name of Responsible Entity) will undertake the project described above with **HOME Investment Partnerships Program** funds from the U.S. Department of Housing and Urban Development (HUD), under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990. (Name of responsible entity) is certifying to HUD (or the state of ...) that (Name of the responsible entity) and chief executive officer or other officer of the (city)(county)(state) approved by HUD, in his/her official capacity as (Name of office), consent to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental review, decision making, and action; and that these responsibilities have been satisfied for this project. The legal effect of the certification is that upon its approval, (Name of responsible entity) may use the HOME Investment Partnerships Program funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969 and related laws and authorities. HUD (or the state of ...) will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) That the certification was not in fact executed by the chief executive officer or other officer of the responsible entity approved by

HUD (or the state of ...); or (b) that the responsible entity's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58), and may be addressed to HUD at (complete HUD office address) (or the state of..... at (complete state office address)). Objections to the release of funds on bases other than those stated above will not be considered by HUD (or the state of). All objections must be received by HUD (or the state) within 15 days from the time HUD (or the state of ...) receives the (responsible entity's) request for the release of funds and certification.

(Name and Address of Chief Executive Officer of the Responsible Entity)

SAMPLE COMBINED NOTICE

* Date: _____

NOTICE TO PUBLIC OF A FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT

(Name of Responsible Entity)

(Address, Zip Code and Telephone Number of Responsible Entity)

(Name of Chief Executive Officer of Responsible Entity)

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS

The above-named (city) (county) (state of.....) proposes to request the U.S. Department of Housing and Urban Development (HUD) (or the State of.....) to release Federal funds under the **HOME Investment Partnerships Program** (Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990) for the following project:

(Project Title or Name)

(Nature of Project)

(Location-City, County, State of Project)

(Estimated Cost of Project)

This activity (will) (win not) be undertaken over multiple years.

It has been determined that such request for release of funds will not constitute an action significantly effecting the quality of the human environment and, accordingly, the above-named (City) (County) (State of....) has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969.

(If applicable) The following negative impacts have been identified, as well as the means to mitigate their effect:

An Environmental Review Record pertaining to this project has been made by the above-named (City) (County) (State of.....) which documents the environmental review of the project and more fully sets forth the reasons why such statement is not required. This Environmental

Review Record is on file at the above address and is available for public examination and copying, upon request, in Room _____, between the hours of _____ and _____.

(if applicable) No further environmental review of such project is proposed to be conducted, prior to the request for release of funds.

All interested agencies, groups and persons disagreeing with this Finding of No Significant Impact decision are invited to submit written comments for consideration by the (city) (county) (state of....) to the (office of the undersigned) (other specified place). All such written comments so received at (the address specified) on or before (**date) will be considered and the (city) (county) (state of....) will not request the release of Federal funds or take any administrative action pertaining to this project prior to the date specified in the preceding sentence.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS

On or about (**date) the (city) (county) (state of....) will request the U.S. Department of Housing and Urban Development (or the state of ...) to release Federal funds for the project described above. The (city) (county) (state of....) is certifying to HUD (or the state of...) that the (city) (county) (state of) and the chief executive officer or other officer of the (city)(county)(state) approved by HUD, in his/her official capacity as (Name of office held), consent to accept the jurisdiction of the Federal courts if all action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, (name of Responsible Entity) may use the HOME Investment Partnership Program funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969 and related laws and authorities. HUD (or the state) will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) That the certification was not in fact executed by the chief executive officer or other officer of the responsible entity approved by HUD-, or (b) that the responsible entity's Environmental Review Record for the project indicates omission of a required decision, finding or step applicable to the project in the environmental review process. Objections to the Release of Funds must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and may be addressed to HUD at (complete HUD office address) (or the state of ... at (complete state office address)) Objections on bases other than those stated above will not be considered by HUD (of the state of ...). All objections must be received by HUD (or the state of....) within 15 days from the time HUD (or the state of) receives the Responsible Entity's request for release of funds and certification, or within the time period specified, whatever is later.

* Insert date of first publication, or if no publication, date of mailing and posting.

** Not less than 15 days after the date of the publication or 18 days after the mailing and posting.

***The day after the deadline of comments to the community found at **date.

COMPUTING TIME REQUIREMENTS FOR COMBINED OR CONCURRENT NOTICES

Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF) (24 CFR 58.21 and 58.45)

1. Date of notice and date of newspaper publication:

Monday, April 13

2. Time period for receipt of public comments:

12:01 A.M. Tuesday, April 14 to 12:00 A.M. (midnight) Tuesday, April 28

2. Deadline date for receipt of public comments indicated in the notice(s):

Tuesday, April 28

4. Earliest date for PJ's/state recipient's submittal of Request for Release of Funds and Certification (HUD Form 7015.15) to HUD (or the State):

Wednesday, April 29

5. Earliest date of receipt by HUD (or the state) of the PJ's state recipient's Request for Release of Funds and Certification:

Wednesday, April 29

6. Statutory 15-day waiting period for HUD approval or disapproval decision:

12:01 A.M. Thursday, April 30 to 12:00 A.M. (midnight) Thursday, May 14

7. Deadline date for receipt by HUD (or the state) of objections to the PJ's/state recipient's Request for Release of Funds and Certification:

Thursday, May 14

8. Earliest possible date for HUD (or the state's) notification of approval or disapproval. The Authority to Use Grant Funds form (HUD-7015.16) is used to convey approval:

Friday, May 15

ELECTRONIC RESOURCES

Environmental Procedures:

For HUD procedures implementing the National Environmental Policy Act, regulations of the Council on Environmental Quality and related laws and authorities, see current edition of 24 CFR part 58:

<http://www.fwebgate1.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=3552616309+55+0+0&WAISection=retrieve>

HUD Environmental Internet Page:

For policies, rules, links, tools, contacts, and training manual for HUD staff, see:

<http://www.hud.gov/cpd/cpdenviron.html>

HUD Environmental Notices, Forms, and Checksheets:

For latest edition of fillable forms and check sheets, see: HUDClips: <http://www.hudclips.org>

For form "HUD-7015.15--Request for the Release of Funds and Certification," select "forms" and select "HUD-7" to search the list that includes 7015.15 or enter HUD-7015.15 in the search box on the forms page. The form when filled or unfilled cannot be saved, but can be printed either as a blank form or as one filled out.

For "Statutory Checklist" and "Environmental Assessment Checklist" as fillable forms in Excel, enter the name of the checklist into the search box and select. The checklist can be saved or printed either as a blank, or partially or completely filled form.

For environmental notices, see: <http://www.hudclips.org>.

Environmental review:

The following electronic resources are the primary sources of information for making a determination, whenever any of the following questions need to be answered in the course of preparing environmental reviews.

1) Is the property located within designated coastal barrier resources?

For HUD policy, see §58.6(c). For coastal barrier resources designated by the Fish and Wildlife Service of the Department of Interior, see either <http://www.fws.gov/cep/cbrtable.html> or the

flood insurance rate maps issued by the Federal Emergency Management Agency at <http://msc.fema.gov/MSC/q3flooda.htm>.

2) Is the property contaminated by toxic chemicals or radioactive materials?

For HUD policy, see §58.5(i). For maps created by marrying HUD's Community 2020™ software to EPA databases for site-specific information about all Superfund and brownfields sites, see: <http://www.hud.gov/emap/>.

For information on toxic releases, CERCLIS, RCRIS, landview mapping, etc., maintained by the Right-To-Know Network, see: <http://www.rtk.net/rtkdata.html>.

3) Is the property located within a flood hazard area or designated wetland?

For HUD policy, see §58.5(b) and §58.6(a). For special flood hazard areas, see flood insurance rate maps issued by the Federal Emergency Management Agency: <http://www.fema.gov/msc/>. For HUD floodplain management procedures, see current edition of 24 CFR Part 55:

<http://www.frwebgate3.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=3657625287+20+0+0&WAISaction=retrieve>

For designated wetlands, see the National Wetlands Inventory maps issued by the Fish and Wildlife Service, Department of Interior <http://wetlands.fws.gov/>. For HUD policy, see Executive Order 11990, Protection of Wetlands.

For related and other hazards, see: <http://www.esri.com/hazards/makemap.html>.

4) Is the property in a location requiring flood insurance?

For HUD policy, see §58.6(a) and (b). For flood insurance rate maps issued by the Federal Emergency Management Agency, see: <http://www.fema.gov/msc>. For a community's status in the National Flood Insurance Program and dates of the current flood insurance rate maps, see <http://www.fema.gov/fema/csb.htm>.

5) Is the property located within an airport runway clear zone at a civil airport or within a clear zone or accident potential zone at a military airfield?

See local airport operator for runway protection zone information. For HUD policy see, §58.6(d) and 24 CFR part 51, Subpart D at <http://www.frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi>.

6) Is the property listed on, or eligible for listing on, the National Register of Historic Places; located within, or adjacent to, a historic district; or is a property whose area of potential effect includes a historic district or property?

For HUD policy, see §58.5(a). For the listing maintained by the National Parks Service, Department of Interior, which holds information on every property listed in or determined eligible for the National Register of Historic Places, see: <http://www.cr.nps.gov/nr/research/nris.html>. For regulations of the Advisory Council on Historic Preservation, see: <http://www.achp.gov/regs.html>. [NOTICE: A historic preservation review must be conducted by the State Historic Preservation Officer for all properties not previously determined to be eligible for or listed on the National Register of Historic Places.]

7) Is the property located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature?

See local operator of the hazardous industrial operations regarding type and volume of fuels and chemicals of an explosive or flammable nature. For HUD policy and for determining acceptable separation distance, see §5 8.5(i) and 24 CFR part 51, Subpart C: <http://www.frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi>.

8) Is the site noise-impacted?

For determining noise levels and acceptable noise control, first identify high noise generators and level of noise impact. For HUD policy and for determining acceptable noise levels, see §58.5(i) and 24 CFR part 51, Subpart B: <http://www.frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi>.

9) Is the project consistent with state's coastal zone management?

For HUD policy, see §58.5(c). For general information on any state's coastal zone management program, see: <http://www.ocrm.nos.noaa.gov/czm/> maintained by the National Oceanic and Atmospheric Administration, Department of Commerce.

10) Does the project affect a sole source aquifer?

For HUD policy, see §58.5(d). For sole source aquifers designated by the Environmental Protection Agency, see: <http://www.epa.gov/ogwdw/swp/ssa.html>.

11) Will the project affect an endangered species?

For HUD policy, see §58.5(e). For the Federal list of endangered and threatened wildlife and plants maintained for each county by the Fish and Wildlife Service, Department of Interior, see: <http://endangered.fws.gov/wildlife.html>.

12) Does the project affect listed wild and scenic rivers?

For listed wild and scenic rivers, see National Park Service, Department of the Interior <http://www.nps.gov/rivers/wildriverslist.html>. For HUD policy, see §58.5(f).

13) Does the project affect prime and unique farmland, or other farmland of statewide or local significance?

For HUD policy, see §58.5(h). For county maps and information provided by the Natural Resources Conservation Service, Department of Agriculture, see: <http://www.nhq.nrcs.usda.gov/land/index/prime.html>.

14) Is the project within a "non-attainment" or "maintenance" area and not in conformance with the State Implementation Plan (SIP) for clean air?

For HUD policy, see §58.5(g). For maps created by marrying HUD's Community 2020™ software to databases maintained by the Environmental Protection Agency for site-specific information air pollution: see: <http://www.hud.gov/emaps/>. For information maintained by the Environmental Protection Agency relating to State Air Programs and Offices of Attorney General providing Air Enforcement activities and data compilations, see: <http://es.epa.gov/oeca/ore/aed/links/index.html>.

15) Is the project located in a neighborhood where the proposed action is likely to raise environmental justice issues?

For HUD policy, see §58.50). For information on environmental justice maintained by the Environmental Protection Agency, see: <http://www.epa.gov/oeca/oej/t6report.pdf>. For the Right-To-Know Network information, see: <http://www.rtk.net/rtkdata.html>.

16) Is the project in compliance with the National Environmental Policy Act and implementing regulations of the Council on Environmental Quality?

For regulations of the Council on Environmental Quality implementing the National Environmental Policy Act, see: <http://ceq.eh.doe.gov/nepa/nepanet.htm>.

Other:

For lead hazard abatement, see: <http://www.hud.gov/offices/lead/>.

For topographic maps and resource information maintained by the U.S. Geological Survey, see: <http://www.usgs.gov/>.

For air, water and land use issues, the U.S. EPA offers the "Window to My Environment" program presently available for sites in the mid-Atlantic region with eventual nationwide service, see: <http://www.ens.lycos.com/e-wire/>.